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Customer Number

Patent
Case No.: 58391US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: FAN, XUDONG
Application No.: 10/685049 Confirmation No.: 5689
Filed: October 14, 2003
Title: HYBRID SPHERE-WAVEGUIDE RESONATORS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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Date

Signed by:

Dear Sir:

This is in response to the Office Action mailed January 18, 2007. Claims 1-38 are pending. Claims 1-38 were restricted under 35 USC § 121 as follows:

- I. Claims 1-27 are said to be drawn to microresonator device, classified in Class 385, subclass 30;
- II. Claims 28-38 are said to be drawn to method of making a microresonator, classified in Class 438, subclass 31;

Election

In response, Applicants elect Group I, with traverse.

Applicants submit that the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly,

this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

19 Feb 2007
Date

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